

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 25-cv-60807-WPD

PURPLE INNOVATION, LLC,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS, LIMITED
LIABILITY COMPANIES, PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS IDENTIFIED
ON SCHEDULE A,

Defendants.

**PLAINTIFF’S MOTION TO EXTEND *EX PARTE* TEMPORARY RESTRAINING
ORDER, RESCHEDULE HEARING ON ITS MOTION FOR PRELIMINARY
INJUNCTION, AND EXTEND THE BRIEFING DEADLINES**

Plaintiff, PURPLE INNOVATION, LLC (“Plaintiff”), by and through its undersigned counsel and pursuant to Fed. R. Civ. P. 65 and S.D. Fla. L.R. 7.1, respectfully moves for an order 1) rescheduling the hearing on Plaintiff’s Motion for Entry of Preliminary Injunction (“Plaintiff’s Motion”) to June 27, 2025; 2) extending the briefing schedule on Plaintiff’s Motion; and 3) extending the TRO to remain in effect until after the conclusion of the rescheduled hearing

1. On April 29, 2025, the Court entered a Sealed Order authorizing alternative service of process on Defendants via email and website publication (Dkt. 9).

2. On May 14, 2025, the Court entered a Sealed Order granting Plaintiff’s *Ex Parte* Application for Entry of Temporary Restraining Order (“TRO”) (Dkt. 14). Counsel for Plaintiff received the Sealed Order on May 19, 2025, from Chambers.

3. Under the TRO, any third-party financial institutions providing services to the Defendants identified in Schedule A to the Complaint (the “Third Party Providers”) that receive notice of the TRO are instructed to restrain Defendants’ financial accounts, and to also provide expedited discovery relating to Defendants, including Defendants’ contact information (Dkt. 14).

4. The TRO requires expedited discovery within five (5) days, and Plaintiff relies on this provided contact information to properly serve Defendants via email, in addition to website publication.

5. The TRO also sets a briefing schedule. Defendants’ response or opposition to Plaintiff’s Motion for Preliminary Injunction is due by May 27, 2025.

6. As of the filing of this Motion, counsel for Plaintiff provided, or caused to be provided, copies of the TRO to counsel and/or representatives for the Third Party Providers providing services to the Defendants identified in Schedule A to the Complaint (*i.e.*, AliExpress, Amazon, DHgate, eBay, Shein, Temu, and Walmart). Declaration of Leigh Salomon (“Salomon Decl.”) at ¶ 3.

7. To date, Plaintiff has only received discovery from eBay. Plaintiff has not received discovery from any of the other platforms. Salomon Decl. at ¶ 4.

8. As set forth in the Court’s TRO, if the Defendants are notified of this proceeding prior to having their respective accounts restrained, “Defendants can easily and quickly change the ownership or modify domain registration, e-commerce store, and private messaging account data and content, change payment accounts, redirect consumer traffic to other seller identification names, private messaging accounts, and domain names, and transfer assets and ownership of the seller identification names and domain names, thereby thwarting Plaintiff’s ability to obtain meaningful relief.” TRO at ¶ C(3). Therefore, before Plaintiff can complete service of the TRO on

all Defendants in compliance with the briefing schedule set by the Court on Plaintiff's Motion and thus provide notice of the Court's presently scheduled June 13, 2025, hearing, Plaintiff must first receive confirmation from all of the aforesaid Third Party Providers that the financial accounts owned by Defendants have been restrained.

9. Pursuant to Federal Rule 65, this Court may issue a temporary restraining order for a period of fourteen (14) days, and "for good cause shown," may extend a temporary restraining order for a "like period" of time. Fed. R. Civ. P. 65(b)(2). Here, good cause exists for an extension of the TRO because Plaintiff will not be in a position to restrain all of the Defendants' accounts before the hearing currently set forth in the TRO.

10. Additionally, an extension of the briefing schedule is warranted so that Plaintiff has ample time to serve Defendants using the contact information received in discovery and so that Defendants have time to file any opposition to the Motion for Preliminary Injunction.

WHEREFORE, Plaintiff respectfully requests that 1) the deadline for Defendants to oppose Plaintiff's Motion for Preliminary Injunction be moved from May 27, 2025 to June 25, 2025 and the deadline for Plaintiff's to file a reply in support of its Motion be moved from June 6, 2025 to June 26, 2025; 2) the hearing on the TRO be rescheduled to June 27, 2025; and 3) the TRO be extended to remain in effect until after the conclusion of the rescheduled hearing.

Dated: May 23, 2025

Respectfully submitted,

BOIES SCHILLER FLEXNER LLP

/s/ Leigh Salomon

Leigh Salomon (FL Bar No. 1054106)

100 SE 2nd Street, Suite 2800

Miami, FL 33131

Tel: (305) 357-8450

Email: lsalomon@bsfllp.com

Attorney for Plaintiff PURPLE INNOVATION, LLC